

### **REMARKS**

Responsive to the Office Action mailed April 13, 2009, Applicants provide the following. The claims have been amended without adding new matter. Claims 11, 26 and 40 have been amended. Therefore, twenty-three (23) claims remain pending in the application: Claims 1, 2, 4-11, 26-28, 30, 32-35, 37-40, and 42-44. Reconsideration of claims 1, 2, 4-11, 26-28, 30, 32-35, 37-40, 42-44 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### **Information Disclosure Statement**

Applicants thank the Examiner for returning initialed IDS forms for the IDS filed January 28, 2009.

### **Claim Rejections - 35 U.S.C. §112**

**Claims 27-28 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.**

Applicants have amended claim 26 to recite “a physical spherical display for simultaneously displaying a video stream and menu information comprising a flat display surface and a convex physical spherical display surface, wherein the video stream is displayed on the flat display surface and the menu information is displayed on the outside surface of the convex spherical display surface.” As such, the language recited in the specification and noted by the Examiner in the present Office Action (Office Action, pg. 2-3) provides sufficient support for claims 27 and 28, which rely on now amended claim 26. Thus, it is respectfully submitted that the rejection is overcome and should be withdrawn.

**Claims 11 and 40 stand rejected under 35 U.S.C. § 112, second paragraph, as**

**being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Specifically, with regard to claim 11, the Examiner objects to the claim limitation reciting “means for capturing the first content with a content capturing device,” as recited in claim 11. Applicants have amended claim 11 to recite “means for capturing the content” as suggested by the Examiner in the Office Action, such that the phrase “means for” is clearly not modified by sufficient structure, material or acts for performing the claimed function.

In addition, the Examiner further states that the Applicants’ specification fails to clearly link or associate the disclosed structure, material or act of the limitations of claim 11 reciting “means for displaying ...,” “means for simultaneously displaying...,” and “means for scrolling...,” to the claimed functions such that one of ordinary skill in the art would recognize what structure, material or acts perform the claimed function (Office Action, pg. 4). Applicants respectfully submit that the specification clearly provides sufficient description linking the limitations to sufficient structure, which performs the functions.

For example, paragraph 0030 of the published application recites: “the control module 350 communicates with rendering module 310, the content capturing module 320, the storage module 330, the interface module 340, and the content detection module 360. In one embodiment, the control module 350 coordinates tasks, requests, and communications between the rendering module 310, the content capture module 320, the storage module 330, the interface module 340, and the content detection module 360.” Furthermore, the specification recites “a spherical display 250” and a “playback ring 530” and “control knob 525” (see Published Application No. 2005/0001920, para. [0046]). The specification specifically recites that “the spherical display 520 is configure to simultaneously display video/image content and functional menu driven content and functional menu driven content. In one embodiment, the spherical display 520 is configured to simultaneously display multiple video feeds.” “The control knob 525 adjusts and controls the content and menu of the spherical display 520 in a vertical direction” and “the playback ring 530 rotates in both directions” (see Published Application, para. 0046, 0047, 0048). As such, Applicants respectfully submit that Applicants’ specification clearly links or associates the disclosed structure, material or act of the limitations of claim 11

reciting “means for displaying ...,” “means for simultaneously displaying...,” and “means for scrolling...,” to the claimed functions such that one of ordinary skill in the art would recognize what structure, material or acts perform the claimed function. As such, Applicants respectfully request that the rejection to claim 11 be withdrawn.

Furthermore, with respect to claim 40, Applicants have amended the claim to remedy the lack of antecedent basis, and as such, Applicants respectfully request that the rejection be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

**Claims 1, 2, 6, 9, 10, 11, 30 and 35 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,628,313 (Minakuchi et al.) in view of U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), as supported by “Merriam Webster’s Collegiate Dictionary, Tenth Edition. Applicants respectfully traverse this rejection as submit that the above-cited combination fails to describe or suggest each limitation as recited in claims 1, 2, 6, 9, 10, 11, 30 and 35.**

Specifically, with respect to claim 1, the Minakuchi and Fitzmaurice combination fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” The Examiner submits that Minakuchi fails to describe or suggest this limitation and instead relies on Fitzmaurice as describing this limitation (Office Action, pg. 7).

However, Fitzmaurice also fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” Instead, Fitzmaurice describes a “volumetric display” allowing the user “to have a true three-dimensional view of a scene” (see at least Fitzmaurice, para. 0024). Both the scene and the widgets of Fitzmaurice are displayed “inside the enclosure” and “within a volumetric display” (see for example, paras. 0027-0028). As such, Fitzmaurice fails to describe or suggest “displaying a second content on an outside surface of a physical spherical display surface of the display,” as recited in at least claim 1.

The Examiner in asserting that Fitzmaurice describes this limitation cites to paras.

0012-0014, 0025, 0027 and FIG. 2 (Office Action, pg. 7). However, neither of the cited portions describes “displaying a second content on an outside surface of a physical spherical display surface of the display.” Instead, with respect to FIG. 2, Fitzmaurice specifically states “plac[ing] the 2D widgets 30 and 32 on the inside surface of the volumetric display enclosure 34,” and paragraphs 0010 and 0011 both state positioning widgets “within a volumetric display” and “in a volumetric display.” The volumetric display enclosure 34 is in fact not a display and instead “a protective enclosure” (see para. 0012). As such, neither of portions cited by the Examiner, nor any other portions of Fitzmaurice describe or suggest each limitation as recited in claim 1.

Furthermore, Webster also fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” As such, the above cited combination fails to render claim 1 obvious, and thus, Applicants respectfully request that the rejections to claim 1 be withdrawn.

Independent claim 11 recites language similar to that of claim 1, at least with respect to the physical spherical display surface, therefore, claim 11 is also not anticipated by the above cited combination. As such, Applicants respectfully request that the rejection to claim 11 be withdrawn.

Claims 2, 6, 9, 10, 30, 32, and 35 depend upon claims 1 and 11, and as such are allowable at least due to their dependence upon allowable claims. As such, Applicants respectfully request that the rejections to these claims be withdrawn.

**Claim 4 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), and “Merriam Webster’s Collegiate Dictionary, Tenth Edition, as over U.S. Patent No. 7,107,516 (Anderson et al.).**

Claim 4 depends upon allowable independent Claim 1. As such, claim 4 is allowable at least due to its dependence upon allowable claim 1. Further, Anderson fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is

convex.” As such, claim 4 is not rendered obvious by the cited combination. Therefore, Applicants respectfully request that the rejection be withdrawn.

**Claim 5 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), U.S. Patent No. 7,107,516 (Anderson et al.), and “Merriam Webster’s Collegiate Dictionary, Tenth Edition, as over PCT Publication No. WO 02-21529 (Barbieri).**

Claim 5 depends upon allowable independent Claim 1. As such, claim 5 is allowable at least due to its dependence upon allowable claim 1. Further, Barbieri fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” As such, claim 5 is not rendered obvious by the cited combination. Therefore, Applicants respectfully request that the rejection be withdrawn.

**Claims 7-8 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), and “Merriam Webster’s Collegiate Dictionary, Tenth Edition, as over U.S. Publication No. 2002-0030665 (Ano).**

Claim 7 and 8 depend upon allowable independent Claim 1. As such, claims 7 and 8 are allowable at least due to their dependence upon allowable claim 1. Further, Ano fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” As such, claims 7 and 8 are not rendered obvious by the cited combination. Therefore, Applicants respectfully request that the rejections be withdrawn.

**Claims 32 and 37 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate**

**Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), and PCT Publication No. WO 02-21529 (Barbieri).**

Claims 32 and 37 depend upon allowable independent Claims 1 and 11. As such, claims 32 and 37 are allowable at least due to their dependence upon allowable claims 1 and 11. Further, Barbieri fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” As such, claims 32 and 37 are not rendered obvious by the cited combination. Therefore, Applicants respectfully request that the rejections be withdrawn.

**Claims 33 and 38 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), and PCT Publication No. WO 02-21529 (Barbieri), as over U.S. Publication No. 2004-0264579 (Bhatia et al.).**

Claims 33 and 38 depend upon allowable independent Claims 1 and 11. As such, claims 33 and 38 are allowable at least due to their dependence upon allowable claims 1 and 11. As discussed with respect to claims 32 and 37 Barbieri further fails to describe or suggest, “displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” Further, Bhatia fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” As such, claims 33 and 38 are not rendered obvious by the cited combination. Therefore, Applicants respectfully request that the rejections be withdrawn.

**Claims 34 and 39 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S.**

**Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), and PCT Publication No. WO 02-21529 (Barbieri), as over U.S. Publication No. 2003-0146915 (Brook et al.).**

Claims 34 and 39 depend upon allowable independent Claims 1 and 11. As such, claims 34 and 39 are allowable at least due to their dependence upon allowable claims 1 and 11. Further, Brook fails to describe or suggest “simultaneously displaying a second content on an outside surface of a physical spherical display surface of the display, wherein the spherical display surface is convex.” As such, claims 34 and 39 are not rendered obvious by the cited combination. Therefore, Applicants respectfully request that the rejections be withdrawn.

**Claims 26-28 and 40 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), and PCT Publication No. WO 02-21529 (Barbieri), as over U.S. Publication No. 2002-0030665 (Ano).**

Independent claim 26 recites language similar to that of claim 1, at least with respect to displaying content on a physical convex spherical display. As such, independent claim 26 is not rendered obvious by the cited combination at least for the reasons described above with respect to claim 1. As such, Applicants respectfully request that the rejection to claim 26 be withdrawn.

Claims 27, 28 and 40 depend from independent claim 26, and as such, are allowable at least due to their dependence upon allowable claim 26. As such, Applicants respectfully request that the rejections to these claims be withdrawn.

**Claim 42 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), PCT Publication No. WO 02-21529**

**(Barbieri), and U.S. Publication No. 2002-0030665 (Ano).**

Claim 42 depends from independent claim 26, and as such, is allowable at least due to its dependence upon allowable claim 26. Further, As stated above neither Barbieri nor Ano describe or suggest the limitations lacking from the Minakuchi, Fitzmaurice and Anderson combination. As such, Applicants respectfully request that the rejections to claim 42 be withdrawn.

**Claim 43 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), PCT Publication No. WO 02-21529 (Barbieri), and U.S. Publication No. 2002-0030665 (Ano), as over U.S. Publication No. 2004-0264579 (Bhatia et al.).**

Claim 43 depends from independent claim 26, and as such, is allowable at least due to its dependence upon allowable claim 26. Further, As stated above neither Barbieri, Bhatia, nor Ano describe or suggest the limitations lacking from the Minakuchi, Fitzmaurice and Anderson combination. As such, Applicants respectfully request that the rejections to claim 43 be withdrawn.

**Claim 44 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of U.S. Patent No. 6,628,313 (Minakuchi et al.), U.S. Publication No. 2004-0001111 (Fitzmaurice et al.), “Merriam Webster’s Collegiate Dictionary, Tenth Edition, U.S. Patent No. 7,107,516 (Anderson et al.), PCT Publication No. WO 02-21529 (Barbieri), and U.S. Publication No. 2002-0030665 (Ano), as over U.S. Publication No. 2003-0146915 (Brook et al.).**

Claim 44 depends from independent claim 26, and as such, is allowable at least due to its dependence upon allowable claim 26. Further, As stated above, Barbieri, Ano and Brook fail to describe or suggest the limitations lacking from the Minakuchi, Fitzmaurice and



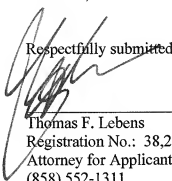
Anderson combination. As such, Applicants respectfully request that the rejections to claim 44 be withdrawn.

**CONCLUSION**

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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